

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 04-351 (SEC)

JOSE RAUL VARGAS-TOLOZA (2),

Defendant.

JUDGMENT

This case involves a fugitive that was indicted in 2004. As noted by the United States Supreme Court, "[c]ourts are vested with an inherent power to control and manage their own affairs so as to achieve early and expeditious disposition of cases." Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962). Moreover, the First Circuit has noted that "in a period of overloaded dockets, prejudice to the court is inherent in needless delays and postponements." Chuang Investments v. Eagle Inns, Inc., 81 F.3d 13 (1st Cir. 1996).

In view of the fact that the Defendant has been a fugitive of justice for such a long time, and the uncertainty regarding the future of these proceedings, the Court does hereby dismiss the indictment for administrative and docketing purposes only. This dismissal does not affect the validity, force or effect of the pending indictment, arrest warrants, or the Defendant's status as a fugitive from justice.

Any motion filed in this case, after the entry of this order, shall not be deemed a new filing. Instead, the filing will be effective *nunc pro tunc* to the date of this order. Judgment of **DISMISSAL WITHOUT PREJUDICE** is entered accordingly.

SO ORDERED.

In San Juan, Puerto Rico, this 19th day of February, 2009.

S/ Salvador E. Casellas
UNITED STATES DISTRICT JUDGE